

REGULAR WEEKLY SESSION----ROANOKE CITY COUNCIL

April 18, 2005

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, April 18, 2005, at 2:00 p.m., the regular meeting hour, in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36762-070604 adopted by the Council on Tuesday, July 6, 2004.

PRESENT: Council Members Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr. Sherman P. Lea, and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT-DECEASED PERSONS: Council Member Dowe offered the following resolution memorializing the late Arthur E. Smith:

(#37014-041805) A RESOLUTION memorializing the late Arthur Edward Smith, a long-time Roanoke resident and former attorney.

(For full text of resolution, see Resolution Book No. 69, Page 339.)

Council Member Dowe moved the adoption of Resolution No. 37014-041805. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

NAYS: None-----0.

The Mayor called for a moment of silence in memory of Mr. Smith.

PROCLAMATIONS: The Mayor advised that Beth Poff, Executive Director, Mill Mountain Zoo, will leave the City of Roanoke on May 3, 2005 to assume the position of Executive Director of the Zoo in Jackson, Mississippi. In recognition of her services, he presented a proclamation declaring April 18, 2005, as Beth Poff Day in the City of Roanoke. He also presented Ms. Poff with the key to the City.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to one request for Closed Session.

COMMITTEES-CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Vice-Mayor Fitzpatrick moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

NAYS: None-----0.

HUMAN DEVELOPMENT-COMMITTEES: A communication from Jane R. Conlin, Director of Human/Social Services, advising of the resignation of H. Clarke Curtis as a member of the Human Services Advisory Board, effective immediately, was before the body.

Vice-Mayor Fitzpatrick moved that Council accept the resignation and that the communication be received and filed. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-PARKS AND RECREATION-COMMITTEES: A report of qualification of Christene A. Montgomery as a member of the Parks and Recreation Advisory Board, for a term ending March 31, 2008, was before Council.

Vice-Mayor Fitzpatrick moved that the report of qualification be received and filed. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

BUDGET-CABLE TELEVISION: A communication from Council Member Sherman P. Lea, City of Roanoke representative to the Roanoke Valley Regional Cable Television Committee, advising that the City of Roanoke, the County of Roanoke, and the Town of Vinton jointly operate Roanoke Valley Television (RVTV); initial equipment and facilities for the television station were funded through a \$480,000.00 capital grant from Cox Communications; and the station employs five full-time staff members who produce videos and shows for local governments and school systems for cable casting, along with government meetings, on Cox Communications' Channel 3.

It was further advised that on June 8, 1992, Council approved the Roanoke Regional Cable Television Agreement, which requires that the RVTV Operating Budget be approved by the governing bodies of the city, county, and town, with funding to be shared by the three governments, based on the annual proportion of Cox subscribers located in each jurisdiction.

It was explained that the Roanoke Regional Cable Television Committee approved the RVTV Operating Budget for Fiscal Year 2005-06 at its March meeting, in the amount of \$304,713.00, which is a 3.7 per cent increase from the current year's budget of \$293,865.00; Cable Television staff is included on Roanoke County's payroll and benefit system and will receive the same salary increase and insurance costs as other County employees; RVTV's current rent is \$2,770.83 per month; beginning March 1, 2006, rent will increase to \$2,853.96 per month; the proposed budget includes funding for closed captioning services for meetings of both the City Council and Board of Supervisors;

Cox Communications paid a five per cent Franchise Fee to the local governments in 2004, which totaled \$1,841,543.00; local governments have informally agreed to allocate up to 20 per cent of the Franchise Fees collected to the RVTV Operating Budget; for the coming year, the amount would be \$368,309.00; RVTV's requested budget of \$304,713.00 is less than that amount; and Cox calculates the percentage of subscribers (December 31, 2004) in each locality as follows:

<u>Locality</u>	<u>Subscribers</u>	<u>Percentage</u>
Roanoke	31,008	54%
Roanoke County	23,593	41%
Vinton	2,634	5%

Based on the above referenced figures, it was noted that each locality's contribution to the RVTV Operating Budget of \$304,713.00 is as follows:

<u>Locality</u>	<u>Contribution for FY05 -06</u>
Roanoke	\$164,545.00
Roanoke County	\$124,932.00
Vinton	\$ 15,236.00
<hr/>	
Total	\$304,713.00

Council Member Lea recommended that Council approve the proposed RVTV budget for Fiscal Year 2005-06, in the amount of \$304,713.00, with the City's contribution totaling \$164,545.00.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37015-041805) A RESOLUTION approving the recommendation of the Roanoke Valley Regional Cable Television Committee to approve the annual operating budget for Fiscal Year 2005-2006 for the operation of the regional government and educational access station, Roanoke Valley Television (RVTV, Channel 3), and for the City to provide partial funding.

(For full text of resolution, see Resolution Book 69, Page 342.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37015-041805. The motion was seconded by Council Member McDaniel.

Elaine Simpson, Station Manager, RVTV, advised that for the City of Roanoke for 2004-2005, RVTV produced 12 Inside Roanoke shows, 12 Spotlight on City Schools shows, 24 City Council meetings, and 22 original video productions for the City of Roanoke (13 for the City of Roanoke, five for City Schools, and four joint City-County productions).

There being no further discussion, Resolution No. 37015-041805 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-ROANOKE VALLEY RESOURCE AUTHORITY: A communication from Bittle W. Porterfield, III, Chair, Roanoke Valley Resource Authority, advising that on March 30, 2005, the Roanoke Valley Resource Authority approved its 2005 - 2006 annual budget, totaling \$8,606,670.00 which represents a slight decrease of -0.3% from the current 2004 - 2005 budget; and tipping fee rate for Charter Members and commercial users will remain the same.

It was further advised that in accordance with the Member Use Agreement, the Resource Authority's 2005 - 2006 Annual Budget is submitted for approval by Council.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37016-041805) A RESOLUTION approving the annual budget of the Roanoke Valley Resource Authority for Fiscal Year 2005-2006, upon certain terms and conditions.

(For full text of resolution, see Resolution Book 69, Page 343.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37016-041805. The motion was seconded by Council Member Dowe.

Council Member Cutler inquired if gas is still being flared on Rutrough Road; whereupon, Mr. Barger responded in the affirmative.

There being no further discussion/questions, Resolution No. 37016-041805 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

NAYS: None-----0.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS:

BUDGET: The City Manager introduced Sherman M. Stovall, Director, Office of Management and Budget, to present highlights of the City of Roanoke Recommended Budget for Fiscal Year 2005-2006:

- The recommended budget is balanced and totals \$223,799,000.00, an increase of \$12,023,000.00, or 5.68 per cent.
- A recommended increase of one per cent in the meals tax - portion of the incremental revenue dedicated to fund the City of Roanoke's share of the William Fleming High School renovation project.
- Recommended adjustments to several user fees.
- General Fund Revenue Summary:

Revenue Increase	-	\$12,023,000.00
Local Revenue		9,536,000.00
		+ 5.80%
State		2,487,000.00
Revenue		+ 5.26%

Local Revenues

	FY 2005-06 \$ Change	FY 2004-05 % Change
Total Local Revenues	\$9,536,000.00	5.80%
Real Estate Tax	\$5,239,000.00	8.90%
Personal Property Tax	\$ 495,000.00	2.15%
Sales Tax	\$ 246,000.00	1.30%
Prepared Food	\$2,558,000.00	33.04%
All Other Local Taxes and Revenues	\$ 998,000.00	1.78%

State Revenues

	FY 2005-06 \$ Change	FY 2004-05 % Change
Total Intergovernmental Revenues	\$2,487,000.00	5.26%
Human/Social Services	\$ 605,000.00	2.79%
Shared Expenses (Constitutional Officers)	\$ 594,000.00	7.64%
Non-Categorical and Other (Recordation, ABC/Wine, Rolling Stock, and rental Car Tax)	\$ (166,000.00)	(10.60%)
Categorical (Jail Per Diems, HB 599, Street Maint., Library, VJCCCA)	\$1,454,000.00	8.90%

User Friendly Adjustments

<u>Fee</u>	<u>Proposed</u>	<u>Current</u>
Elmwood Park Amphitheatre	\$ 250.00	\$ 150.00
	per day	per day
Mobile Stage (Non-profit not charging admission)	\$ 900.00	\$ 600.00
	per day	per day
Mobile Stage (Events charging admission)	\$ 1,200.00	\$ 900.00
Outdoor Pool Entrance	\$2.00 (Youth)	\$1.00 (Youth)
	\$3.00 (Adults)	\$2.00 (Adults)
Monthly Fitness Center	\$ 18.00 (R)	\$15.00 (R)
	\$ 25.00 (NR)	\$22.00 (NR)
Daily Fitness Center	\$ 5.00 (R)	\$4.00 (R)
	\$ 6.00 (NR)	\$5.00 (NR)
Library Copy Fees	\$ 0.15	\$ 0.10

Fee Adjustments

<u>Fee</u>	<u>Proposed</u>	<u>Current</u>
Rental Inspection Fee	\$25.00	\$75.00
Initial and Periodic		
Rental Inspection Fee	\$50.00	\$35.00
Follow-Up		
Asbestos Removal	\$45.00	Based on valuation
Manufactured Homes and	\$ 75.00 Single Wide	Based on valuation
Modular Buildings	\$100.00 Double Wide	valuation
	\$125.00 Triple Wide	
Tent and Membrane Structures over 900 square feet	\$50.00	Based on valuation
Temporary Certificate of Occupancy	\$ 75.00 First Renewal	---
	\$125.00 Subsequent	

General Fund Expenditure Summary

Revenue Increase	\$12,023,000.00
Schools	\$ 2,462,373.00
Employee Compensation, Benefits and Programs	\$ 5,208,997.00
Debt Service, Equipment Replacement and Capital Maintenance	\$ 2,980,000.00
Program and Other Budget Adjustments	\$ 1,896,549.00
Budget Reductions	\$ (524,919.00)

- Commitment to Education:

- Increase of \$2,462,373.00

- Based on 36.42 per cent of adjusted local taxes

- Total transfer of \$54,352,299.00, increase of 4.7 per cent

- Debt service of \$3,781,963.00

- Support of Patrick Henry and William Fleming High Schools renovation projects

- Employee Compensation and Benefits:

- Employee Compensation - \$3,212,149.00

- Average raise of 3.0 per cent of base pay - \$3,091,889.00

- Fire-EMS Career Enhancement - \$120,260.00

- Benefits and Programs - \$1,996,848.00

- Debt Service and Cash Funded Capital, Equipment Replacement and Maintenance

- Additional Debt Capacity - \$2,301,000.00

- Support of planned capital projects

- Capital and Equipment Replacement - \$679,000.00

- Equipment Replacement - \$184,000.00

- Capital Building Maintenance - \$130,000.00

- Paving - \$200,000.00

- Technology - \$165,000.00

- Proposed Use of One Time funding

- Repayment of Roanoke River Flood Reduction projects from funds borrowed for the Fire-EMS Facilities project-\$217,184.00

- Concept Design Courthouse Expansion - \$250,000.00

- Streetscapes and Traffic Calming - \$250,000.00

- Jail HVAC Design - \$150,000.00

- Funding to Roanoke Redevelopment and Housing Authority for market rate rental unit - \$235,000.00

- Prioritized Projects - CMERP - \$1,403,018.00

- Carvins Cove Management Plan - \$90,000.00

- Equipment Replacement - \$450,000.00

- Technology Projects - \$450,000.00

- General Contingency - \$110,000.00

- Healthy Local Economy:

- Promotion of Brand Identity

- Enhance the profile of Roanoke outside of the region to attract new businesses, visitors and residents

- Market Roanoke as a technology savvy city with the continued promotion of the WiFi Zone downtown

RCIT Landscape Maintenance

Enhance landscape maintenance to market the property for economic development

- Strong Neighborhoods

Building Inspector Position

Support rental inspection program and code compliance activities

Construction Inspector

Support site development inspections

Stormdrain maintenance

Enhance maintenance of storm drains

Traffic Signal Equipment Replacement

Ensure safer streets and intersections

Support of GRTC/Valley Metro

Additional financial support, with no reduction in service level

- Strong Neighborhoods

Curb, Gutter, and Sidewalk

Continue improvement program

Zoning Ordinance

Adopt the updated zoning ordinance

Neighborhood Plans

Complete the development of the final neighborhood plan and the implementation of all plans

Targeted Application of CDBG funds

Focus on neighborhood development and improvement

- Parks, Recreation and Leisure

Parks and Recreation

Support greenway maintenance, therapeutic recreation program and other program activities

Library

Restore Sunday operating hours at the Main Library

Completion of the library comprehensive study

Greenways

Support future development of greenways

- Vibrant Downtown:

Market Building

Financial support for the operation of the Market Building

Downtown Market-Area Study

- Civic Center
 - Additional funding to support operations
 - Expansion and renovation to provide additional exhibit hall space
- Support for EventZone
 - Consistent oversight of downtown events

- Quality Services:

- Health Department
 - Facilitate move to the Civic Mall
- Community Agency Funding
 - Support of human service, community and cultural agencies
- Youth Services
 - Continue supporting youth services and programs that advocate for youth.

- Other Adjustments:

- Motor Fuels
 - Additional funding based on rising costs
- State Mandated Public Safety Overtime
- Workforce Staffing
 - Reduction of nine unfunded positions
- Expenditure Reductions
 - Across all departments and divisions

Vice-Mayor Fitzpatrick moved that the City Manager be instructed to adjust the proposed 2005-2006 fiscal year budget to include Fire/EMS and Sheriff employees in the new pay scale that was approved for Police Officers which took effect on January 1, 2005. The motion was seconded by Council Member Cutler and unanimously adopted.

Council Member Cutler advised that he looks forward to the time when Council officially designates Carvins Cove Natural Reserve as a City park and donates a conservation easement on the land to the Virginia Outdoors Foundation and the Western Virginia Land Trust which will save the undeveloped water shed in perpetuity for water conservation and recreational values. He added that he looks forward to the preparation of a management plan that can be used as the basis for conservation easements, and expressed support for funds that are included in the proposed budget for the greenway system and community arts and cultural agencies.

Council Member Dowe commended the City Manager and the budget team on their intuitive and creative thinking and proactive decision making.

Council Member Lea also commended the budget team and asked that consideration be given to allocating funds for preservation of the Oliver White Hill house which will send a strong message not only to the Roanoke community, but statewide.

Council Member McDaniel advised that she was pleased that the proposed budget includes funds for reinstatement of Sunday hours at the Main Library. She inquired as to how the Library Study will be addressed.

The City Manager advised that the consultant's written document has not been received; following receipt, the document will be forwarded to the Library Steering Committees and the Library Boards for the City of Roanoke and Roanoke County for review and recommendation to be followed by discussions by City Council and the Board of Supervisors as to whether there is an interest to proceed on a regional basis. She stated that a sizeable contingency has been left in the City's Capital Maintenance and Equipment Replacement account in anticipation that Council may wish to take some action over the next several months to further the Library study, whether it be on a regional basis or as a single jurisdiction.

Council Member Wishneff advised that the increase in the prepared food tax from four per cent to five percent in the proposed 2005-2006 budget is recommended in order to provide the ability to fund the debt service for William Fleming High School improvements and certain other key City projects.

Sherman M. Stovall, Director, Office of Management and Budget, advised that at the time Council made the decision to support improvements to the second high school, no funding strategy was in place to fund the debt to be issued for the William Fleming project; when bonds are issued for the William Fleming project in 2008, the City will need approximately an additional \$1 million to service the debt, therefore, the increase in the meals tax provides the capability to service the debt on the bonds.

Council Member Wishneff reiterated his support for cultural agencies and advised that during upcoming budget study sessions, he will ask Council to consider appropriating in the range of \$250,000.00 or more over the amount that is currently recommended in the City's fiscal year 2005-2006 budget.

The City Manager advised that in May 2000, when receiving the plan from the school system to replace or significantly renovate the two high schools, the then sitting Council directed City staff to set aside \$570,000.00 a year on an annual basis to fund the Patrick Henry High School renovation or a new building; the then sitting Council acknowledged that no funding was in place for the second high school, but desired to go on record that the Council intended to treat both high schools the same; it was identified as early as the year 2000 that the City would need an additional funding source in order to pay the debt service on the William Fleming improvements; and for the past three years, City staff, as a part of strategic planning sessions with the Council, has indicated that staff's recommendation would be an increase in the meals tax. She stated that the meals tax as a revenue stream was selected because (1) the meals tax is a discretionary

tax in that individuals have a choice as to whether or not they choose dine out, (2) the City of Roanoke, as the center to the region, provides a service to many people who do not reside in the City of Roanoke and do not pay the City's traditional taxes, but do benefit from the services that citizens enjoy within the City of Roanoke, and (3) the largest meals tax payer in the City of Roanoke is The Hotel Roanoke which primarily caters to visitors within the community; therefore, for those reasons, as well as the need to put in place an appropriate revenue source to fund William Fleming High School improvements, a one per cent meals tax was recommended. She noted that when comparing the City of Roanoke to other urban cities throughout the Commonwealth of Virginia, the City's meals tax will be in line with that charged in other urban communities.

Council Member Cutler called attention to storm water drainage which is a major capital construction need, and noted that Council has been briefed on approximately \$60 million or more of backlog storm drainage projects; whereupon, he called upon the City Manager for suggestions on how to address the issue.

The City Manager responded that City staff has suggested implementation of a storm water management fee; and the Council, being cognizant of the physical location of the City and the fact that much of the water runoff is a result of development from neighboring jurisdictions, has suggested that the appropriate way to approach storm water management is through a regional approach for specific projects that go beyond the City's traditional jurisdictional boundaries. Whether there is a regional approach or a single jurisdictional approach, she stated that the best way to handle storm water drainage is through implementation of a storm water fee, which is assessed based upon the amount of impervious surface of each individual property owner and represents a fair share of the property owner's contribution to storm water run off.

The Mayor advised that Council will hold a public hearing on the City's proposed fiscal year 2005-2006 budget, the HUD Consolidated Plan and real property tax rate on Thursday, April 28, 2005, at 7:00 p.m., in the City Council Chamber, and Council will convene in budget study sessions on May 4, 2005 at 8:30 a.m., in Room 159, Noel C. Taylor Municipal Building, and on May 5, 2005 at 8:30 a.m., if necessary.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-FIRE DEPARTMENT-GRANTS: The City Manager submitted a communication advising that the Assistance to Firefighters Grant Program is designed as an opportunity for the United States Congress to work with the Federal Emergency Management Agency (FEMA) to enhance basic fire service delivery across the United States; in fiscal year 2004, Congress appropriated a total of \$745,125,000.00 to carry out activities of the Assistance to Firefighters Grant Program, which included a mandate that no less than five per cent of the appropriated funds would support fire prevention activities; and as such, \$27,500,000.00 of the total appropriation has been reserved for Fire Prevention and Safety grants.

It was further advised that the Federal Emergency Management Agency and the United States Fire Administration recently announced that the Roanoke Fire-EMS Department has been awarded a \$23,766.00 grant from the 2004 Assistance to Firefighters – Fire Prevention and Safety Program; and the total award package requires a local match of 30%, totaling \$7,129.00, which is budgeted in Account No. 001-520-3521-3698.

It was explained that the award will be used by the department for support in Fire Prevention and Education; specifically, funds will be used to enhance and maintain a comprehensive Fire and Life Safety Prevention program.

The City Manager recommended that Council authorize acceptance of the grant award of \$23,766.00 and that the City Manager be authorized to execute the required grant agreement and any other related documents to be approved as to form by the City Attorney; establish appropriate revenue and expenditure estimates in the Grant Fund in accounts to be established by the Director of Finance; and approve a transfer of the City match in the amount of \$7,129.00 from Account No. 001-520-3521-3698 to Transfers to Grant Fund account.

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37017-041805) AN ORDINANCE to appropriate funds for the Assistance to Firefighters Grant, amending and reordaining certain sections of the 2004-2005 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 344.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37017-041805. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

NAYS: None-----0.

Council Member Cutler offered the following resolution:

(#37018-041805) A RESOLUTION authorizing the acceptance of an Assistance to Firefighters Grant from the Federal Emergency Management Agency, and authorizing execution of any required documentation on behalf of the City.

(For full text of resolution, see Resolution Book No. 69, Page 345.)

Council Member Cutler moved the adoption of Resolution No. 37018-041805. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

NAYS: None-----0.

CARILION BIOMEDICAL INSTITUTE: The City Manager submitted a communication advising that on September 1, 1998, the City of Roanoke entered into a Parking Agreement with Carilion Health System based upon the agreement of Carilion to create or relocate between 310 to 440 additional full time job positions in the City's Enterprise Zone, One; creation of the positions required that parking permits be made available for persons selected to fill the positions; and by Amendment 1 dated November 19, 2001, the Parking Agreement was amended to allow Carilion to purchase up to 60 additional permits to meet the needs of its growing downtown workforce.

It was further advised that the original term of the Parking Agreement was from September 1, 1998 through August 31, 2003, and upon mutual agreement of the parties, the agreement could be renewed for up to two additional five year periods; Carilion has requested the first five year renewal period; the rates for the renewal period (which were set out in the original Parking Agreement) are set forth in Renewal No.1 and are subject to an increase under conditions set forth therein; and Carilion also requested an increase in the number of additional supplemental permits from 60 to 120, effective April 18, 2005 as provided for in Amendment 1, to further support its expanded workforce in Enterprise Zone One.

The City Manager recommended that she be advised to execute Renewal No. 1 to the Parking Agreement, which includes Amendment 1 between City of Roanoke and Carilion Health System for a period of five years, retroactive to September 1, 2003 through August 31, 2008, the form of such Renewal to be approved by the City Attorney; and that the City Manager be authorized to take such further action and to execute additional documents as may be necessary to implement and administer Renewal Number 1 and the Parking Agreement, including any future renewal of such Parking Agreement.

The City Manager submitted an additional communication advising that an explanation is in order regarding the length of time that the matter has taken to come before Council.

It was explained that the Carilion Agreement provides parking in several city decks, including the Tower Parking Garage; at the same time that the City was negotiating the matter with Carilion, ownership of the Wachovia Tower required interpretation of the lease (dating back to 1991) and whether such discontinued parking could be extended to their tenants; discussions were protracted and evolved over a number of months; and in the final analysis, the City extends the listed discontinued rates contained in the report to the first 440 Carilion parkers all of which are parking in the Church Avenue Parking Garage and, as such, the Wachovia Tower ownership is not eligible for the pricing structure.

Council Member McDaniel offered the following ordinance:

(#37019-041805) AN ORDINANCE authorizing the City Manager to execute Renewal No. 1 to the September 1, 1998, Parking Agreement between the City of Roanoke and Carilion Health System; authorizing the City Manager to take such further action and execute additional documents to implement and administer such Parking Agreement; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 345.)

Council Member McDaniel moved the adoption of Ordinance No. 37019-041805. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea, and Mayor Harris-----7.

NAYS: None-----0.

CITY ATTORNEY: NONE.

DIRECTOR OF FINANCE: NONE.

REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting that Council approve the following appropriations, was before the body.

- \$10,000.00 for the GED Testing Fast Track program to provide supplies, tuition, and instructors to increase participation in the GED examinations, said new program to be 100 per cent reimbursed by State funds.
- \$180,000.00 for the William Fleming Community Learning Center; the Center will be open year round and serve 150 students and 100 adults annually; and the Center will provide educational services to increase student performance on the Standards of Learning, said new program to be 100 per cent reimbursed by Federal funds.
- \$25,290.00 for the Governor's Project Graduation Academy Grant to provide remedial instruction for seniors who have not earned verified credits in English, Reading and Writing, said new program to be 100 per cent reimbursed by State funds.

- \$2,340.00 for the Advanced Placement Fee Program to reimburse part or all of the cost of fees for the 2005 AP test for low-income students who take the test, said grant program to be 100 per cent reimbursed by Federal funds.
- \$613,294.00 from the Capital Maintenance and Equipment Replacement Fund to purchase food service equipment.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Council Member McDaniel offered the following budget ordinance:

(#37020-041805) AN ORDINANCE to appropriate funding for food service equipment and School instructional site-based requests from the Capital Maintenance and Equipment Replacement Program (CMERP) and the School Food Service Fund fund balance, and to appropriate funding for the GED Testing Fast Track program, the William Fleming Community Learning Center, the Governor's Project Graduation Academy Grant, and the Advanced Placement Fee Program, amending and reordaining certain sections of the 2004-2005 General, School and School Food Service Funds Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 347.)

Council Member McDaniel moved the adoption of Ordinance No. 37020-041805. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

WATER RESOURCES: Council Member Cutler offered the following resolution:

(#37021-041805) A RESOLUTION ratifying and confirming the appointment of John B. Williamson, III, as a Director of the Western Virginia Water Authority, which appointment was made on March 17, 2005, by the Board of Directors of the Authority.

(For full text of resolution, see Resolution Book 69, Page 349.)

Council Member Cutler moved the adoption of Resolution No. 37021-041805. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

SCHOOLS: Council Member Cutler called attention to an article in *The Roanoke Times* on April 14, 2005, "Art Gets Canned" with regard to decorating trash cans to resemble classic art at Addison Middle School, the purpose of which was to acquaint children with great art and to improve the overall appearance of the school.

REFUSE COLLECTION-ROANOKE VALLEY RESOURCE AUTHORITY: Council Member Cutler called attention to Regional Household Hazardous Waste Collection Days, the first of which will be held on May 15 from 12:00 - 3:00 p.m., at the Roanoke Valley Resource Authority - Tinker Creek Transfer Station, 1020 Hollins Road, N. E., with other collection dates scheduled for August 7 and November 6, 2005 from 12:00 - 3:00 p.m.

REFUSE COLLECTION-ENVIRONMENTAL POLICY: Council Member Cutler inquired about how the City handles e-trash (discarded surplus or obsolete electronic items); whereupon, the City Manager advised that the City has implemented a program and the Council would receive a briefing at its next meeting on Monday, May 2, 2005.

HIGHER EDUCATION CENTER: The Mayor called attention to the ground breaking ceremony for the Culinary School at the Roanoke Higher Education Center on Tuesday, April 19, 2005, at 11:00 a.m.

SCHOOLS-ARMORY/STADIUM: The Mayor called attention to discussions with the City Manager, the Chair of the School Board and the Acting Superintendent of Schools with regard to the fall schedule for William Fleming/Patrick Henry High Schools football games and the dilemma of identifying alternative locations, or options. He stated that the City Manager advises that the field at Victory Stadium could be made available for high school football this fall by installing temporary bleachers, and providing temporary arrangements for restroom facilities and concessions, etc. After conferring with the Acting Superintendent of Schools and some Members of the Council, the Mayor stated that there appears to be a broad consensus to move in that direction.

As suggested by the Mayor, Vice-Mayor Fitzpatrick moved that the City Manager be instructed to make the field at Victory Stadium available for high school football games and that Council be provided with a report, including cost estimates, with regard to temporary measures proposed to be taken. The motion was seconded by Council Member Cutler.

Council Member Lea expressed appreciation to the Mayor for his involvement in the issue. In addition to high school football, he called attention to the Western Virginia Education Classic which is a college football game that has made a significant impact on the school drop out rate in the City of Roanoke which averages from 4,000 – 8,000 fans each year. Therefore, he asked that the City Manager be requested to broaden her study to determine if some of the stands at Victory Stadium could be used in order to accommodate the Western Virginia Education Classic.

Vice-Mayor Fitzpatrick and Council Member Cutler concurred in the request of Council Member Lea to include the Western Virginia Education Classic in the referral to the City Manager; whereupon, the motion, as expanded upon by Mr. Lea was unanimously adopted.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

ARMORY/STADIUM: The following persons addressed Council with regard to Victory Stadium:

Mark McConnell, 110 Kirk Avenue, S. W., addressed Council as a citizen, an architect, and as Vice-President of the Virginia Society of the American Institute of Architects. He advised that during the past several years, the City of Roanoke has solicited and received advice from consultants with varying professional expertise that have received the feasibility and cost of renovating Victory Stadium, and he applauded the most recent analysis by Sutton Kennerly and Associates. He stated that the most recent engineering study indicates that the structure of Victory Stadium is solid and can be renovated, however, a deficiency in the brick veneer was noted that could pose a threat to public use. He added that Sutton Kennerly and Associates correctly reported that new stadium construction would cost between \$3,000.00 and \$4,000.00 per seat; to rebuild a 15,000 seat stadium on the same site would cost a minimum of \$45 million; and previous consultant's reports identified the maximum cost of renovating Victory Stadium at less than \$20 million. He questioned the rationale of spending \$45 million for a 15,000 seat stadium when the City could spend \$20 million to renovate 20,000 seats in Victory Stadium; therefore, the most fiscally prudent action would be to renovate Victory Stadium.

Mark Clarke, 6734 Shingle Ridge Road, Roanoke County, a historic preservation specialist having worked on such projects as the National Cathedral, Washington's Tomb, Gunston Hall, the restoration of the City of Roanoke's Fire Station No. 1, the City's Municipal North building, and consulting services with regard to the City's Mountain View, and Buena Vista Recreation Centers, and the Commonwealth Building, advised that he has followed the saga of Victory Stadium with interest. He stated that after having read the Sutton Kennerly and Associates report, the data contained therein provides the best overall evidence and support to date for the restoration of Victory Stadium; the report addresses five specific areas of concern and makes recommendations for repair; the report does not state that Victory Stadium is not repairable, the brick façade is deteriorated and is in need of repair, two repair methods are suggested which are both reasonable and appropriate given the age of the structure, and the structural capacity of Victory Stadium is sufficient for future needs. He quoted from the Sutton Kennerly report that the existing structure could safely support the anticipated loads applied by future renovations, the overall concrete is in fair to good condition, however, a relatively simple method of repair was identified in the consultant's report; no building constructed in the 1940's is ADA compliant which must be addressed; and a small area of subsurface conditions and fill dirt may not be sufficient for loads at the present time, however a repair method was suggested by the consultant. He called attention to an appendix in the Sutton Kennerly report which provides a cost estimate for repairs; and the report consistently recommends repair and restoration, therefore, why would Sutton Kennerly and Associates even consider demolition when they provide cost estimates for renovation of the stadium. He stated that the information provided by the consultant would suggest that Victory Stadium is in better overall condition than most of the buildings that he has worked on as a historic preservation specialist, and, if one takes the data, observations and recommendations contained in the report at face value, the conclusion is that the Sutton Kennerly report provides the most compelling argument to date for restoration of Victory Stadium.

Greg Lewis, 18 Kirk Avenue, S. W., Smith Lewis Architecture, advised that it is important to note not only for the Victory Stadium project, but any future capital project to be undertaken by the City that there is significant environmental impact of disposing of hundreds of tons of concrete and the actual landfilling of the materials. Therefore, he asked that the City take into consideration that there is no credible evaluation of that component of the project. He stated that it is also important to note and to resolve the issue of redevelopment or usability of the facility as it relates to the floodplain question and there are a number of ways to address the issue.

Stuart A. Barbour, 727 Riverland Road, S. E., spoke with regard to the renovation of Victory Stadium. He stated that it was not necessary for the City to hire a consultant to advise that the concrete has crumbled because the City has failed to maintain the stadium during the past 60 years. He suggested several alternatives to address liability issues with regard to deteriorating concrete under the seats and repair of the steps.

Norbert Weckstein, 2602 Wilshire Avenue, S. W., advised that the decision to renovate or construct a new stadium should be made based on the facts and a cost benefit analysis and not on emotions. He referred to instances in which temporary bleachers have collapsed; therefore, temporary bleaches are not as safe as Victory Stadium is in its present condition. He referred to other stadiums in the United States that are older than Victory Stadium, but continue to be used such as the Los Angeles Memorial Coliseum and the Rose Bowl, both of which were opened in 1923. He stated that the chance of injury of persons attending a football game will be much greater if they are seated in temporary bleachers, as opposed to being seated in the stands at Victory Stadium; therefore, a second opinion would be in order from another engineering firm as to which would be the safer alternative; and other questions yet to be answered pertain to temporary toilet facilities, locker rooms and vendor facilities.

Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, advised that the City has not properly maintained Victory Stadium. He encouraged the City to maintain the stadium as a memorial to veterans who defended their country in the line of duty and as a memorial to all persons who serve in public safety positions. He referred to an agreement with Norfolk and Western Railway in which the City agreed to use the Reserve Avenue site for a stadium.

John Graybill, 2443 Tillett Road, S W., spoke in support of renovating Victory Stadium. He stated that to tear down the Stadium and construct a new facility would be a waste of taxpayers money when the City has a perfectly good stadium that could be renovated for much less money.

POLICE DEPARTMENT-COMPLAINTS: Mr. Shaheed Omar, 1219 Loudon Avenue, N W., spoke with regard to allegations of police brutality which can be defined as any practice that degrades the status of a citizen, restricts freedom, annoys or harasses, and uses unnecessary and unwarranted physical force; and his motivation to address the issue stems from personal experience. He stated that the philosophy of the Police Department to provide honest, efficient and effective law enforcement services and to protect the life, property and civil liberties for all people in a fair and equitable manner is not practiced by all members of Roanoke's Police Department. He noted that his remarks were not intended to condemn the entire police department, but a few police officers whose attitude and behavior is that of "carte blanche", and brings police officers into the area

with the attitude that they are "at war" which stems from a belief that the general citizenry does not know their constitutional rights, or the general citizenry is afraid of the police in general, or police officers believe that no one has the ability or courage among the general population to challenge their authority. He stated that this component within the Roanoke City Police Department will be exposed and dealt with in both civil and federal courts.

CITY MARKET: Ms. Anita Wilson, 32 Market Square, a tenant in the City Market Building, expressed appreciation to City Officials for working with City Market building tenants with regard to their concerns about management issues and Advantis, the Atlanta-based management company. She stated that Market Building tenants would like to work with the City as it reviews new management of the facility and leases for Market Building tenants. She also called attention to the need for renovations to the City Market building.

CITY MANAGER COMMENTS:

CITY MANAGER-SPECIAL EVENTS: The City Manager called attention to events that were held in the City of Roanoke during the past weekend; i.e.: Blue Ridge – Southwest Virginia Film Festival on April 15 – 17, and the Giant Indoor Yard Sale on Saturday, April 16, at the Roanoke Civic Center, sponsored by the City of Roanoke's Recycling Committee to benefit recycling education efforts.

At 4:00 p.m., the Mayor declared the Council meeting in recess for one Closed Session in the Council's Conference Room.

At 4:35 p.m., the Council meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Council Member Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Fitzpatrick, Lea and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was not present when the vote was recorded.)

At 4:37 p.m., the Mayor declared the Council meeting in recess until 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday, April 18, 2005, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney, Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PUBLIC HEARINGS:

SCHOOLS: Pursuant to the instructions of Council, the City Clerk having advertised a public hearing for Monday, April 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, regarding appointment of two Trustees to the Roanoke City School Board for three year terms of office, commencing July 1, 2005 and ending June 30, 2008, the matter was before the body.

Applications were submitted by David B. Carson and William H. Lindsey.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, April 1, 2005.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, April 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of GAPCO Management, LLC, that all proffered conditions established by Ordinance No. 28666-061587 on property located at 3839 Shenandoah Avenue, N. W., identified as Official Tax No. 2732201, be repealed and replaced with new proffered conditions, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, April 1, 2005 and Friday, April 8, 2005.

The City Planning Commission submitted a written report advising that GAPCO Management, LLC, filed a petition on December 1, 2004, to amend proffered conditions on the subject property; a first amended petition to amend proffers was filed on March 23, 2005; and the property was rezoned on June 15, 1987, from RS-2, Residential Single-family District, to C-2, General Commercial District, subject to certain proffered conditions.

It was further advised that following the 1987 rezoning, the property was developed and used for a grocery store and an adjacent retail shop; the grocery store and retail uses ceased and, in 2004, a church began using the former retail space; use of the property for a church violates proffered conditions placed on the property when it was rezoned in 1987; upon discovery of the church operation, staff initiated enforcement efforts to which the petitioner responded by filing a request for amendment of proffers; the grocery store portion of the building is currently vacant and boarded; and proposed amended conditions as set forth in the first amended petition dated March 23, 2005, are as follows:

(a) The property will be used only for the following permitted uses in a C-2, General Commercial District:

Food stores with an unlimited gross floor area

General retail establishments primarily engaged in the retail sale or rental of merchandise, goods, or products except automobiles, trucks, or construction equipment; and including the incidental repair and assembly of the merchandise goods or products to be sold on the premises.

Churches, synagogues and other places of worship not including accessory columbariums.

(b) The row of existing large pine trees along Old Stevens Road and the eastern portion of the north boundary line of the property will remain undisturbed, except those from the proposed entrance/exit on Old Stevens Road to Shenandoah Avenue.

(c) Petitioner will erect and maintain a six-foot-high chain link fence along the entire north boundary line of the property and will, in addition, plant and maintain a staggered row of evergreen trees on ten-foot centers within the ten-foot buffer area along the north boundary line.

It was explained that the proposed amended conditions would bring the use as a church into conformity and would expand permitted uses to include general retail; in addition, the amended conditions would remove condition (b), which is an invalid reversion condition and would carry forward conditions (c) and (d) relating to retention of vegetation and establishment of screening buffers.

The City Planning Commission recommended that Council approve the petition to amend proffered conditions which is consistent with the City's Vision 2001-2020 and will promote reuse of a commercial site.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37022-041805) AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 273, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property previously conditionally zoned C-2, General Commercial District; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 350.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37022-041805. The motion was seconded by Council Member McDaniel.

Edward A. Natt, Attorney, appeared before Council in support of the request of his client.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

Council Member McDaniel inquired about proffers with regard to a tree buffer; whereupon, the Mr. Natt advised that a tree buffer as been proffered and trees will be planted.

Council Member Cutler inquired about measures to protect water quality and water pollution run off from the proposed site; whereupon, Mr. Natt advised that no changes are proposed to the structures.

In response to a question with regard to whether the Urban Forestry Plan will be taken into consideration, Mr. Townsend advised that the purpose of the rezoning is to allow for a wider range of use on the site; the City Planning Commission cannot require, nor did the Panning Commission bind or require any additional change to the site plan as a condition of approving the uses; and the Urban Forestry Plan does not come into play because the request does not apply to new construction and new site development. He stated that the area of the landscape buffer referenced by Council Member McDaniel is currently a pervious surface and involves replanting trees that were not previously planted and there is no change in any of the physical attributes of development of the site.

There being no further discussion or comments by Council Members, Ordinance No. 37022-041805 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

NAYS: None-----0.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, April 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Mark A. Lucas and Lucas Physical Therapy, Inc., that property located at 739 Townside Road, S. W., identified as Official Tax No. 5490307, be rezoned from LM, Light Manufacturing District, Conditional, to C-2, General Commercial District, subject to certain conditions preferred by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, April 1, 2005 and Friday, April 8, 2005.

The City Planning Commission submitted a written report advising that a petition was filed on February 3, 2005; an amended petition was filed on February 18, 2005; a second amended petition was filed on March 25, 2005; the second amended petition proposes to rezone Official Tax No. 5490307, consisting of 3.998 acres, from LM, Light Manufacturing District, Conditional, to C-2, General Commercial District; and the amended petition requests that existing conditions be repealed and replaced with the following proffered conditions:

1. The property will be used only for medical office or medical clinics, general and professional offices, including financial institutions, personal service establishments and business service establishments.
2. The property will be developed according to the site plan prepared by Lumsden Associates, P.C., under date of January 31, 2005 and March 3, 2005, to add the Tree Retention Area (Exhibit 3), subject to such changes as may be required by City staff during the comprehensive development plan review process.
3. No sign, included one painted on the side of the building, shall be visible from the adjacent expressway.
4. The following proffers relate to lighting:
 - a. Any outdoor light fixture shall be a full cutoff fixture or a decorative fixture with full cutoff optics. A "full cutoff fixture" shall mean an outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture,

is projected below the horizontal plan. A “decorative fixture with full cutoff optics” shall mean an outdoor light fixture with manufacturer-provided or manufacturer-installed full cutoff optics.

b. The spillover of lighting from any parking area on the subject property onto public rights-of-way or abutting property in residentially zoned districts shall not exceed one-half (0.5) foot candle at the property line.

c. Any outdoor lighting in parking areas shall not exceed 12 feet in height. The maximum height shall apply to the height of the poles or other standards to which the fixtures are attached or the top most point of the fixture itself, whichever is higher.

d. Outdoor lighting information for the subject property shall be submitted during comprehensive development plan review. Such information shall include the following:

(1) Location of all outdoor lighting fixtures, including the manufacturer’s specification of the area to be lighted with such fixtures;

(2) Plans indicating the location on the property, and the type of illuminating devices, fixtures, lamps supports, reflectors and other devices;

(3) Description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices;

(4) Photometric data, such as that furnished by the manufacturers, showing the angle of cut off of light emissions; and

(5) Other information as may be deemed necessary by the Zoning Administrator to determine compliance with lighting proffers.

5. Petitioners shall plant a minimum of fifteen, two-inch caliper deciduous trees within the interior of the parking lot and maintain the same.

6. The primary exterior facade of the new structures will not contain cinderblock or metal siding.

The City Planning Commission recommended that Council approve the Second Amended Petition to rezone to C-2, General Commercial District, with conditions.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37023-041805) AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 549, Sectional 1976 Zone Map, City of Roanoke, in order to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 351.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37023-041805. The motion was seconded by Council Member McDaniel.

Edward A. Natt, Attorney, appeared before Council in support of the request of his client.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no discussion or questions by Council Members, Ordinance No. 37023-041805 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

NAYS: None-----0.

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, April 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Trustees of Edgewood Holiness Church that a portion of a ten foot alley beginning in a southerly direction for approximately 124 feet, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, April 1, 2005 and Friday, April 8, 2005.

The City Planning Commission submitted a written report advising that the petitioner currently has a building permit for a community hall on Official Tax No. 6090712 and has paid the Western Virginia Water Authority (WVWA) to install a sewer lateral; after meeting with City staff and staff from the WVWA, the latter advised that the petitioner's property could not achieve a gravity connection from the main sewer line on Springfield Avenue; since the WVWA allows a lateral to serve only a single property, the petitioner was advised to either install a pump station or combine the two parcels to use the existing lateral serving Official Tax No. 6090411; the petitioner is not amenable to installing a pump station and the WVWA advised that such was not the best long-term solution;

therefore, the petitioner requests closure of a portion of an unimproved alley running north to south and, in turn, agrees to dedicate a like portion to the City which runs east to west.

The City Planning Commission recommended vacation of the right-of-way at no charge to the petitioner; and the portion of the alley to be vacated is equivalent to the alley to be dedicated.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37024-041805) AN ORDINANCE permanently vacating, discontinuing and closing a certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 353.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37024-041805. The motion was seconded by Council Member Cutler.

Ernest R. Wood, Trustee, Edgewood Holiness Church, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no discussion or questions by Council Members, Ordinance No. 37024-041805 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

NAYS: None-----0.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, April 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Crawford Development Co., LLC, to amend proffered conditions on property located at 3806 Thirlane Road, N. W., identified as Official Tax No. 6520105, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, April 1, 2005 and Friday, April 8, 2005.

The City Planning Commission submitted a written report advising that Crawford Development, LLC, filed a petition on February 3, 2005, to amend proffered conditions on the subject property; the property was rezoned on October 2, 2000, from RA, Residential Agricultural District, to LM, Light

Manufacturing District, subject to certain proffered conditions; Condition No. 3 specifies that, "Either two, three or four buildings shall be constructed on the subject property and they shall provide at least 40,000 square feet of usable, interior commercial or light manufacturing space. Permanent certificates of occupancy shall be issued for at least two of the buildings within five (5) years of the acceptance of these proffers by City Council"; and the proposed amendment will modify Condition No. 3 to extend the time period by two years.

The City Planning Commission recommended that Council approve the petition to amend proffered conditions to extend the time period to seven years from October 2, 2000.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37025-041805) AN ORDINANCE to amend §36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 652, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property previously conditionally zoned LM, Light Manufacturing District; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 355.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37025-041805. The motion was seconded by Council Member McDaniel.

C. Cooper Youell IV, Attorney, appeared before Council in support of the request of his client.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37025-041805 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea, and Mayor Harris-----7.

NAYS: None-----0.

TAXES: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, April 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of The Scott Robertson Memorial Fund for tax exempt status of certain property located at the easternmost 250 feet of Densmore Road, N. W., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, April 11, 2005.

The City Manager submitted a communication advising that The Scott Robertson Memorial Fund owns property described as Official Tax No. 2670906, located at 3707 Densmore Road, N. W.; the primary purpose of The Scott Robertson Memorial Fund is to operate a chapter of The First Tee of Roanoke Valley, a national not-for-profit youth development program; designed for youth ages 8 to 18, The First Tee is dedicated to providing young people of all backgrounds with an opportunity to develop, through golf and character education, life-enhancing values such as honesty, integrity and sportsmanship; and annual taxes due for fiscal year 2004-2005 on the above referenced parcel is \$885.72 on an assessed value of \$73,200.00.

It was further advised that on May 19, 2003, Council approved a revised policy and procedure in connection with requests from non-profit organizations for tax exemption of certain real property in the City, pursuant to Resolution No. 36331-051903, adopting the revised Process for Determination of Property Tax Exemption dated May 19, 2003, with an effective date of January 1, 2003; and The Scott Robertson Memorial Fund has provided the necessary information as a result of adjustments made to the City's revised local policy prior to the deadline of April 15, 2005, for exemptions that would take effect on July 1, 2005.

It was explained that according to the Commissioner of the Revenue's Office, the loss of revenue to the City will be \$708.58 after a 20 per cent service charge of \$177.14 is levied by the City in lieu of real estate taxes; the Commissioner of the Revenue has determined that the organization is currently not exempt from paying real estate taxes on property described as Official Tax No. 2670906 by classification or designation under the Code of Virginia; and the IRS recognizes the organization as a 501(c) (3) tax-exempt organization.

The City Manager recommended that Council authorize The Scott Robertson Memorial Fund exemption from real estate property taxation, pursuant to Article X, Section 6 (a) (6) of the Constitution of Virginia, effective July 1, 2005, for property described as Official Tax No. 2670906, located at 3707 Densmore Road, N. W., if the organization agrees to pay the subject service charge by that date.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37026-041805) AN ORDINANCE exempting from real estate taxation certain property located in the City of Roanoke of The Scott Robertson Memorial Fund, an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 357.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37026-041805. The motion was seconded by Council Member Cutler.

Jennifer Blackwood, Interim Executive Director, The Scott Robertson Memorial Fund, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37026-041805 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea, and Mayor Harris-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-CITY PROPERTY-INDUSTRIES: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, April 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed conveyance of a 0.460 acre portion of City-owned property, located in the Roanoke Centre for Industry and Technology, Official Tax No. 7230101, in exchange for the release and vacation of a 50-foot perpetual road right-of-way across property owned by Edwin and June Wilson, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, April 11, 2005.

The City Manager submitted a communication advising that the City owns property located in the Roanoke Centre for Industry and Technology (RCIT) identified by Official Tax No. 7230101 which is adjacent to property owned by Edwin and June Wilson; the Wilsons hold a 50' perpetual road right-of-way easement across City property that the City desires to extinguish; and negotiations with the Wilsons have resulted in an agreement to extinguish the right-of-way in exchange for a portion of an adjacent City-owned parcel of land consisting of approximately 0.460 acres.

The City Manager recommended that she be authorized to execute the appropriate documents to convey a 0.460 acre portion of property identified as Official Tax No. 7230101 to Edwin and June Wilson, in exchange for relinquishing their easement across City property, such documents to be approved as to form by the City Attorney.

Council Member Dowe offered the following ordinance:

(#37027-041805) AN ORDINANCE authorizing the exchange of certain City-owned property containing approximately 0.460 acre, located in the Roanoke Centre for Industry and Technology, bearing Official Tax Map No. 7230101, to Edwin and June Wilson in exchange for the vacation and abandonment of a 50' perpetual road right-of-way easement across City property owned by Edwin and June Wilson, authorizing the City Manager to sign the necessary documents to effect this exchange, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 358.)

Council Member Dowe moved the adoption of Ordinance No. 37027-041805. The motion was seconded by Council Member McDaniel.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37027-041805 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-CITY PROPERTY-WATER RESOURCES: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, April 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to the proposed conveyance of a 0.37 acre portion of City-owned property, located on Plantation Road in Roanoke County, Official Tax No. 027.11-02-05.01-0000, to the Western Virginia Water Authority, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, April 11, 2005.

The City Manager submitted a communication advising that the City owns property located on Plantation Road that houses a water metering station; the parcel is located in Roanoke County and contains approximately 0.37 acre; and the City desires to convey the parcel of land to the Western Virginia Water Authority for nominal consideration.

The City Manager recommended that she be authorized to execute the appropriate documents to convey the property to the Western Virginia Water Authority, such documents to be approved as to form by the City Attorney.

Council Member Cutler offered the following ordinance:

(#37028-041805) AN ORDINANCE authorizing the City Manager to execute the necessary documents to convey City-owned property housing a water metering station, located on Plantation Road in Roanoke County, containing 0.37 acre and identified as Roanoke County Tax No. 027.11-02-05.01-0000, to the Western Virginia Water Authority, upon certain terms and conditions, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 359.)

Council Member Cutler moved the adoption of Ordinance No. 37028-041805. The motion was seconded by Vice-Mayor Fitzpatrick.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

Council Member Lea inquired as to plans for use of the property by the Western Virginia Water Authority; whereupon, the City Manager advised that the property should have been identified in the massive transfer of property to the Water Authority, effective July 1, 2004. She explained that all of the City's facilities were not exclusively located within the boundaries of the City of Roanoke and this particular parcel of land was inadvertently left off of the massive transfer of property because it was located in Roanoke County.

There being no further questions or comments by Council Members, Ordinance No. 37028-041805 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

NAYS: None-----0.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

ARMORY/STADIUM: Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke in support of the renovation of Victory Stadium. He called attention to alleged equipment that is stored under the stands at Victory Stadium that has not been returned to the owner nor repaired using funds received by the City from the Federal Emergency Management Agency (FEMA). He inquired as to how FEMA funds were spent. He stated that the citizens of Roanoke let their voices be heard through a petition signed by approximately 7,000 persons in support of renovating Victory Stadium; therefore, he asked that taxpayers' money be used to renovate Victory Stadium rather than construct a new stadium.

CITY EMPLOYEES-AFFIRMATIVE ACTION: Ms. Angela Norman, 1731 Michael Street, N. W., President of the Committee for Community Preservation and President of the Municipal Employees Association, spoke with regard to the City Manager's Affirmative Action and Diversity report which was presented to Council on Monday, April 4, 2005. She stated that it is appreciated that the report indicates that there was a slight increase in the hiring and promotion of people of color; however, the Council briefing on September 2, 2003, with regard to an employee survey conducted by Virginia Tech Center for Survey Research reflected that 51.4 per cent of City employees believe that discrimination exists in the City's work place, and the report also revealed that 67.4 per cent believe that job promotions are not fair; the second survey conducted in November 2004, revealed that 59.4 per cent of employees continue to feel that promotional opportunities are not fair; the City hired the firm of J. O. Rogers and Associates to conduct an assessment of the City's diversity efforts; the report states that the City staff needs to increase its focus on modeling appropriate diversity behavior; the City's Personnel Operating Procedures state that the Manager makes the final hiring and promotional decisions; and endorsement of the Affirmative Action report by an organization that has "no gums and no teeth" does not speak for the people of color in the Roanoke community. She advised that she has appeared before Council on various occasions since 1997 to address discrimination related to City employment for people of color; currently the Committee for Community Preservation serves as a watchdog and as a liaison for accountability by City government; and the Committee is concerned as to whether an open application process was utilized to fill the positions of Director of Finance and City Treasurer and whether the issue of diversity was a consideration. She expressed appreciation to the City Manager for certain improved efforts; however, a higher percentage of increase in the 2006 diversity report is expected.

PAY PLAN-TAXES-HOUSING/AUTHORITY-CITY EMPLOYEES: Mr. Robert Gravely, 727 29th Street, N. W., spoke with regard to the City's declining population base, real estate tax assessments, lack of affordable housing, a pay scale that is not conducive to home ownership, unfair City hiring practices, and insufficient wages for the City's work force.

At 7:45 p.m., the Mayor declared the Council meeting in recess until Thursday, April 28, 2005, at 7:00 p.m., in the City Council Chamber, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., for the purpose of holding public hearings on the proposed fiscal year 2006 budget, HUD Consolidated Plan, and real estate tax rate.

A meeting of the Council of the City of Roanoke reconvened on Thursday, April 28, 2005, at 7:00 p.m., in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr. (arrived late), Beverly T. Fitzpatrick, Jr., Sherman P. Lea and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Stephanie M. Moon, Deputy City Clerk.

The meeting was opened with a prayer by Mayor Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

BUDGET-GRANTS-HOUSING/AUTHORITY: The Mayor advised that the purpose of the reconvened meeting was to conduct public hearings on the recommended 2005-2006 HUD Funding Budget and the City of Roanoke Fiscal Year 2005-2006 Operating Budget.

The Mayor advised that the first public hearing was in reference to the recommended 2005-2006 HUD Funding Budget.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Wednesday, April 13, 2005.

A summary of the recommended fiscal year 2005-2006 HUD Funding Budget is as follows:

REVENUES ESTIMATES:

CDBG 2005-2006 Entitlement Grant	\$2,104,805.00
CDBG 2005-2006 Program Income	458,051.00
CDBG Prior Year Carry-over and Excess Program Income	706,249.00
Home 2004-2005 Entitlement Grant	723,526.00
Home 2005-2006 Program Income	25,000.00
Home Prior Year Carry-over and Excess Program Income	5,265.00
ESG 2005-2006 Entitlement Grant	<u>80,722.00</u>
TOTAL HUD REVENUE	\$4,103,618.00

RECOMMENDED EXPENDITURES:

Housing Development	\$2,823,521.00
Neighborhood, Community and Economic Development	870,463.00
Human Services (including Homeless Assistance)	<u>409,634.00</u>
TOTAL RECOMMENDED EXPENDITURES	\$4,103,618.00

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing.

The Reverend William Lee, Pastor, Loudon Avenue Christian Church, 4139 Appleton Avenue, N. W., representing Kuumba Community Health and Wellness Center, requested consideration of the Kuumba project for Community Development Block Grant funding, in the amount of \$500,000.00, to assist in acquiring and renovating a larger building to replace the current facility. He advised that the goal of the Kuumba Center is to provide healthcare for all persons in need; 62 per cent of persons served last year were uninsured; 52 per cent of the Center's income is derived from a Federal grant, 30-40 per cent is derived from insurance claims and other smaller grants. He explained that the requested funds will be used to purchase land and to double the size of the present facility to meet the healthcare needs of residents of the community. He stated that the Center wishes to provide additional services because it is recognized that clients have an array of medical issues that require further medical diagnosis; and a larger building and expanded staff would not only better serve the citizens of the City of Roanoke, but the entire Roanoke Valley.

There being no further speakers, the Mayor declared the public hearing closed.

BUDGET: The Mayor advised that the second public hearing was to receive comments from citizens with regard to the City of Roanoke's Recommended Fiscal Year 2005-2006 Budget.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, April 19, 2005.

The total General Fund Budget for fiscal year 2005-2006 is \$223,799,000.00; Enterprise Funds: Civic Facilities Fund - \$5,799,374.00, Parking Fund - \$2,720,000.00, Market Building Fund - \$311,855.00; Internal Service Funds: Fleet Management Fund - \$5,595,415.00, Risk Management Fund - \$12,721,500.00, Technology Fund - \$6,371,472.00; and School Fund - \$127,317,575.00.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing; whereupon, the following persons addressed Council:

Ms. Alita Ashe, 5784 Littleton Road, spoke in support of funding for the Blue Ridge Technical Academy. She stated that funds for the Academy were not included in the 2005-2006 fiscal year budget of the Roanoke City Schools on March 8, 2005; and the School Board appointed a committee composed of parents, teachers, and School Board members to study alternatives and/or options with regard to the fate of the Technical Academy. She urged Council to work with the School Board to identify funds for continued operation of BRTA.

David Diaz, Executive Director, Downtown Roanoke, Inc., expressed appreciation to the City for its support of downtown Roanoke. He noted that the number of persons who have chosen to live in downtown Roanoke continues to grow and DRI continues to meet with developers to encourage a conversion of office space and other places into downtown living units. He stated that the YMCA and The Jefferson Center have sowed the seeds to create an uptown district; the City Market area study will be beneficial in creating more possibilities for downtown living, and an improved Farmer's Market and Market building. He called attention to the signs of a struggling retail market in downtown Roanoke due to a smaller employment base, limited parking spaces for residents and tourists, and costs associated with parking. Since parking is inextricably tied to the future of the City's downtown and its economic growth, he suggested a business recruitment strategy including parking incentives and consideration with regard to decreasing the City's monthly rates in City-owned parking garages. He also suggested that signage be erected to direct persons to available parking and to relieve any feeling of anxiety when entering a parking garage.

Mr. Clarence R. Martin, 155 Huntington Boulevard, N. E., asked that Council support a pay increase for all City retirees and a medical supplement to help defray the cost of health insurance for City retirees 65 years of age and older.

Mr. Ken Rattenbury, 2226 Hunters Road, S. W., a downtown business owner, spoke in support of increasing the parking spaces in the downtown area, in part, due to the relocation of the Art Museum. He expressed concern that relocation of the Art Museum to the viaduct parking lot would create a negative impact on limited parking in the downtown area.

Ms. Helen E. Davis, 35 Patton Avenue, N. E., urged Council to amend the proposed fiscal year budget in order to include approximately \$75,000.00 for the Oliver White Hill Foundation inasmuch as CDBG funds were not included as recommended by the Gainsboro Steering

Committee. She advised that funds would be used as a start up base to honor Oliver White Hill, a prominent and well known attorney who resided on Gilmer Avenue, N. W., who is known throughout the world for his accomplishments, yet his hometown has taken little, if any, steps to honor him. She stated that the Oliver White Hill Foundation plans to purchase the home and establish a museum as a fitting and living tribute to one of the City of Roanoke's most recognized black attorneys.

There being no further speakers, the Mayor declared the public hearing closed.

TAXES: The Mayor advised that the third public hearing was in reference to a proposal that the current meals tax of 4% be increased to 5%, effective July 1, 2005.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing; whereupon, the following persons addressed Council:

Mr. Bill McClure, 542 Walnut Avenue, S. W., expressed concern with regard to the increase in the meals tax because it is unfair to single out restaurants for a tax increase that was originally created as a hospitality tourism tax. He added that the meals tax unfairly impacts restaurant businesses in comparison with neighboring cities and counties that have a lower tax rate which may encourage some consumers to "border hop" to avoid a higher tax. He stated that the proposed tax increase could lead to a loss of sales which could reduce revenue generated to the City; and the City of Roanoke has lost two restaurants to Roanoke County and many downtown restaurants are closing which is causing a negative impact on an already fragile business environment. He noted that even though the meals tax has been advertised as a one cent increase, the actual tax increase is 20 per cent, and questioned the use of the meals tax increase to fund renovations to William Fleming High School, which were to be funded through a bond issue.

Mr. Duane Howard, 1135 Wasena Avenue, S. W., concurred in the remarks of Mr. McClure. He stated that for many senior citizens and people with disabilities dining out is not always a discretionary decision, but a necessity to get through the day. He added that the increase in the meals tax will not only hurt restaurant owners, but employees who hold low end service jobs. He advised that the City could replace the need for a meals tax increase by saving the \$20 - \$30 million that would have been spent on the construction of a new stadium.

There being no further speakers, the Mayor declared the public hearing closed.

At 7:30 p.m., the Mayor declared the Council meeting in recess.

The Council of the City of Roanoke reconvened on Thursday, April 28, 2005, at 7:30 p.m., in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea and Mayor C. Nelson Harris -----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Stephanie M. Moon, Deputy City Clerk.

BUDGET-TAXES: The Mayor advised that the purpose of the public hearing is to receive citizen comments with regard to the City's real property tax rate for fiscal year 2005-2006. He advised that the City Manager's proposed budget includes a real property tax rate of \$1.21 per \$100.00 of assessed value for fiscal year 2005-2006, which is the current tax rate for fiscal year 2004-2005.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, April 19, 2005.

The Mayor advised that the following persons have registered to speak in connection with the City's real property tax rate for fiscal year 2005-2006:

Mr. Dick Kepley, 550 Kepplewood Road, S. E., read the following quote: "the power to tax is the power to destroy". He stated that the power to raise taxes is the power to cause citizens to relocate to another locality; and the City's real estate assessments have increased annually.

Mr. Bill McClure, 542 Walnut Avenue, S. W., expressed concern with regard to real estate property assessments, and advised that last year's increase in valuation of real estate contributed \$3,268,218.00 to the City's budget, an automatic one and one half per cent of the budget, when compared to the total budget amount of \$224 million. He noted that in 1999, he paid \$81.63 on \$100,000.00 real estate valuation assessment, and six years later, he paid \$119.99 on \$119,000.00 in valuation for a residence that has a market value of \$80,000.00 - \$85,000.00. He referred to a statement made by Mayor Harris that residents pay eight per cent of the assessment value; however, at the present rate of eight per cent, in six years, his

monthly payment will be approximately \$166.66, or double the 1999 rate. He added that for the next 12 years, payment on his City real estate taxes will be approximately \$229.70, or triple the 1999 payment. He expressed concern with regard to annual increases in the average assessment from three per cent to four per cent, and inquired if citizens are to accept an eight to nine per cent increase in property taxes, a 20 per cent increase in the meals tax in addition to other fees imposed by the City. He advised that the City's real estate tax rate is 1.21 per \$100.00 of assessed value, compared to Roanoke County at \$1.12, the City of Salem at \$1.18, Chesterfield County at \$1.07 and Henrico County at 0.94; and other localities in the Commonwealth have limited real estate assessments or decreased their real estate tax rates. He also pointed out the decreasing in funding for the Westend Center, Boys Club and other non-profit organizations that provide prudent and needed services to the citizens of the City.

Mr. John Kepley, 2909 Morrison Street, S. E., expressed concern with regard to the increase in real estate tax assessments. He stated that Council has made poor decisions concerning fiscal responsibility, such as the construction/renovations to Patrick Henry and William Fleming High Schools. He called attention to the establishment of a citizens group to be known as "Citizens for a Sensible Tax Increase" because citizens are no longer willing to tolerate increases in their property assessments. Therefore, he urged that Council consider changing the method in which real estate is assessed in the City of Roanoke.

Mr. Bill Tanger, 257 Dancing Tree Lane, Botetourt County, advised that real estate taxes in the City of Roanoke are high because the City's expenses are high and one of the City's major expenses will be Victory Stadium, regardless of whether the facility is renovated or a new stadium is constructed. He added that City Council has the ethical responsibility to take a major expense such as Victory Stadium that affects taxpayers' money, both long term and short term, to a voter referendum.

Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, advised that if the City had made the right decisions with regard to the expenditure of large sums of taxpayers' money, an increase in real estate assessments would not be necessary to generate funds.

There being no further speakers, the Mayor declared the public hearing closed.

The Mayor advised that Council will engage in fiscal year 2005-2006 budget study sessions on Wednesday, May 4, 2004, at 8:30 a.m., in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., and on Thursday, May 5, 2005, at 8:30 a.m., if necessary. He further advised that the City's fiscal year 2005-2006 budget will be adopted at a reconvened meeting of the Council to be held on Thursday, May 10, 2005, at 2:00 p.m., in the Council Chamber.

There being no further business, at 7:45 p.m., the Mayor declared the Council meeting adjourned.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

C. Nelson Harris
Mayor
